



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission STAFF REPORT

FILE: MNS12-0004
DATE: November 1, 2018
TIME: 1:05 pm
STAFF: Georgia McDaniel, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Kim Gardner
Owner: Kim Gardner
Location: 245 Paula Lane, Petaluma
APNs: 019-080-003
Supervisorial District No.: 2
Subject: Gardner Subdivision
PROPOSAL: Request for a Minor Subdivision of 6.06 acres resulting in two parcels of 1.53 ± acres in size each and a designated remainder of 3.0 ± acres with a reduction of the design and improvement standards pursuant to Section 25-43 of the Sonoma County Municipal Code to increase the length to width ratio limitation required per Section 25-42(b) of the Sonoma County Subdivision Ordinance.
Environmental Determination: Mitigated Negative Declaration
General Plan: Sonoma County General Plan 2020
Specific/Area Plan: West Petaluma Area Plan
Land Use: RR (Rural Residential) 2-acres per dwelling unit
Ord. Reference: Ordinance Numbers 965 Section 4, 1137 Section 4 for Municipal Code
Section 25-42 (b) – (h) of the Sonoma County Subdivision Ordinance



Ordinance Number 1137 Section 5 for Municipal Code Section 25-43 of the Sonoma County Subdivision Ordinance

Zoning: AR (Agricultural and Residential) 2-acre density and no combining zones

Land Conservation

Contract: None

Application Complete

for Processing: June 18, 2018

RECOMMENDATION: Recommend that the Planning Commission adopt the Mitigated Negative Declaration for the Gardner Subdivision (MNS12-0004), approve the Petition for Optional Design and Improvement Standards pursuant to Section 25-43, and approve the Minor Subdivision per the Tentative Map, dated December 4, 2017 (Exhibit F).

EXECUTIVE SUMMARY: The minor subdivision was filed in 2012 and deemed incomplete for processing. The tentative map was revised in 2018. The applicant proposes dividing the subject parcel into two lots and a designated remainder. Lot 1, the northern parcel, is $1.53 \pm$ acres and undeveloped. Lot 2, the central parcel, is $1.53 \pm$ acres and undeveloped. The designated remainder is $3.0 \pm$ acres located on the southern half of the subject site, and is developed with a single-family dwelling, a small storage shed, an arena, and horse paddocks. The site is adjacent on the north to the City of Petaluma Paula Lane Open Space Preserve.

In 2018, the applicant's consultant, Hogan Land Services, petitioned to allow the proposed lots to exceed the length to width ratio. The minor subdivision requires a decision by the Planning Commission under Section 25-43 of the Sonoma County Subdivision Ordinance, Optional Design and Improvement Standards (Exhibit H). When a subdivider elects "to utilize development concepts such as cluster, townhouse, condominium or combinations thereof, whereby areas of permanent open space would be provided within the subdivision, he may petition the planning commission to reduce the standards established in this article."

A 1-acre portion at the rear of the proposed Lots 1 and 2 will be dedicated to an American badger habitat preserve. As shown on the American Badger Habitat-Expanded Protection Map (Exhibit I), this 1-acre proposed badger habitat adjoins other land to the north that is preserved as badger habitat and it will be preserved in perpetuity so no development can occur on the land.

Research shows many properties in this unincorporated area of the County do not currently meet the strict length to width ratio limitation required per Section 25-42(b) (Exhibit H). As shown on the Neighborhood Context Map (Exhibit J), the petition to allow the proposed lots to exceed the length to width ratio would be consistent with the prevailing development pattern on the area. Clustering

the residences and retaining the symmetry of the lots (i.e. narrower frontages and deeper lots) would maintain the existing rural character. Staff recommends approval.

ANALYSIS

Background:

The Minor Subdivision was filed with Permit Sonoma on November 13, 2012. On January 3, 2013, the project was deemed incomplete and unpermitted grading delayed processing. In 2012 and in 2013, code violations related to grading on the remainder parcel were issued. A grading permit to legalize the grading was issued in November 2013. This grading was evaluated in the Biological Resources section of the MND and occurred at least 100 feet from any active American badger burrow.

Since 2012, public comment letters and emails received for the proposed minor subdivision refer to grading that occurred on the project site and potential disturbance of the American Badger habitat. Letters received from Paula Lane Action Network (PLAN) have the same concerns.

The neighboring parcels to the north located at 431-435 Paula Lane (APN 019-080-009 and -010) constitute the City of Petaluma Paula Lane Open Space Preserve and are protected by Conservation Easement through a partnership with the Sonoma County Agricultural Preservation and Open Space District (SCAPOS). The Conservation Easement protects the American badger habitat on that property, and the City is responsible for overall management of the preserve in conformance with the Conservation Easement. Section 5.4.7 of the Deed and Agreement conveying the Conservation Easement prohibits fencing that impedes wildlife movement. The project site shares a common property line with one of the parcels under the Conservation Easement (APN019-080-009).

In 2014, a grading permit was issued to legalize grading on the front portion of the proposed remainder and to install erosion control measures. In November of 2016, the project was reassigned to the current planner and the application remained incomplete.

In 2017 and 2018, revisions were made to the tentative map to show the two new wells that were drilled and the proposed septic system areas. In 2018, the applicant's consultant, Hogan Land Services, petitioned to allow the proposed lots to exceed the length to width ratio.

Project Description:

The project site is 6.06 acres located on the west side of Paula Lane, in an unincorporated area just outside Petaluma city limits. The proposal is to subdivide the property into two lots and a designated remainder. Lot 1 is the northernmost parcel, approximately $1.53 \pm$ acres in size and undeveloped. Lot 2 is the central parcel, approximately $1.53 \pm$ acres in size and undeveloped. The

designated remainder is 3.0 ± acres located in the southern half of the subject site. It is developed with a single-family dwelling, a small storage shed, an arena, and horse paddocks.

A 6,380 square-foot building envelope is proposed on Lot 1 and a 6,520 square-foot building envelope is proposed on Lot 2. The building envelopes are placed strategically to cluster the development within the center of the lots to minimize visual impacts and maintain the rural character. A 1-acre portion at the rear of the proposed Lots 1 and 2 designated as American Badger Habitat is located within the badger's movement corridor. As shown on the American Badger Habitat-Expanded Protection Map, this 1-acre proposed badger habitat adjoins other land to the north that is preserved as badger habitat and will be preserved in perpetuity so no development can occur on the land. The restrictions and mitigation measures from the WRA Biological Resources Assessment Report have been incorporated into the project as mitigation measures by being placed as Notes on the recorded Parcel Map.

Site Characteristics:

The property is located approximately 200 feet west of Petaluma city limits in southern Sonoma County. The site gently slopes down in a southerly direction and is accessed by Paula Lane. Vegetation consists primarily of grassland with a row of eucalyptus trees along the western boundary, a row of cypress and oaks along the eastern, street side boundary, and a handful of oaks and cypress trees scattered across the property. An existing house, well, and septic system are located in the southeastern portion of the site, within the boundaries of the proposed remainder. Two new wells exist, one on each of the proposed lots, Lots 1 and 2.

Surrounding Land Use and Zoning:

North: AR (Agriculture and Residential) 2 acre density developed with a single-family residence. These parcels make up the City of Petaluma Paula Lane Open Space Preserve and are protected by a conservation easement held by SCAPOSD.

South: AR (Agriculture and Residential) 1.5 acre density and LC (Limited Commercial). Multiple parcels are developed with single-family dwellings with related accessory structures and commercial buildings, respectively.

East: Across Paula Lane, AR (Agriculture and Residential) 2 acre density. Multiple parcels are developed with a single-family residence and related accessory structures on each lot.

West: AR (Agriculture and Residential) 1.5 to 2 acre density developed with multi-family structures.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

The land use designation in the Sonoma County General Plan is Rural Residential with a 2-acres per dwelling unit designation (Exhibit D). The proposed subdivision of the 6.06 acres into two lots and a designated remainder is consistent with the density allowance.

The policy for Rural Residential Areas follows:

"Permitted Uses. The primary use shall be detached single family homes. Secondary uses include attached dwellings, farming, small scale animal husbandry, home occupations, small scale home care and group care facilities, second dwelling units, public and private schools and places of religious worship, and other uses incidental to and compatible with the primary use."

The proposed lots as depicted on the Tentative Map do not conflict with General Plan policy for Rural Residential Areas. The primary use for Lots 1 and 2 plus the designated remainder is a single family residence.

General Plan Policy LU-19b requires that applications for discretionary projects within one mile of the City of Petaluma's Urban Growth Boundary be referred to the City for review and comment. In reply to the referral, the City noted a potential discrepancy with the City's density designation for the property (0.1 to 0.6 units per acre), but that would apply only if the subdivision was proposed within the City limits or for annexation to the City, which is not the case. Similarly, the City's General Plan policies would seek to have a portion of the new parcels be dedicated for a future urban separator trail, but again, this is not a County policy. The area for the future trail would also cross the reserved badger habitat area shown on this tentative map. The City also asked that any associated impacts of the proposed project on the SCAPOSD conservation easement on the adjacent City parcel(s) be carefully analyzed as part of environmental review. That has been done through the MND and the biological studies for the project.

Issue #2: County Subdivision Ordinance Consistency

Section 25-42.(b) states:

"In no case shall lot width be less than sixty feet on the building setback line, nor the depth less than that necessary to provide the minimum lot size required **nor shall the depth be** less than eighty-five feet, nor **greater than three times the width**, exclusive of rights of way or easements necessary for road purposes; provided, that the Planning Commission may approve lots exceeding those minimums where lots are located on or adjacent to steep hillsides, rivers or creeks, or where property is to be used for business or industrial purposes."

The applicant's consultant, Hogan Land Services, has petitioned to allow the proposed lots to exceed the length to width ratio required in Section 25-42(b). Therefore, the minor subdivision requires a decision by the Planning Commission under Section 25-43, Optional Design and Improvement Standards. When a subdivider elects "to utilize development concepts such as cluster, townhouse, condominium or combinations thereof, whereby areas of permanent open space would be provided within the subdivision, he may petition the planning commission to reduce the standards established in this article."

The width of individual Lots 1 and 2 fronting on Paula Lane is 95 feet. The width of Lot 1 at the back of the lot is 152.20 feet and the width of Lot 2 at the back of the lot is 124.09 feet. The maximum length of a lot with a 95-foot width is 285 feet. The maximum length of a lot with a 152.20-foot width is 456.6 feet and the maximum length of a lot with a 124.09-foot width is 372.27 feet. The straight line measurement (perpendicular to the back lot line) of the length is 623 feet for Lot 1 and 615 feet for Lot 2.

Many of the properties in this unincorporated area do not currently meet the strict length to width ratio limitation required per Section 25-42(b). As shown on the Neighborhood Context Map, the petition to allow the proposed lots to exceed the length to width ratio would be in-line with the prevailing development pattern on the area. Clustering the residences and retaining the symmetry of the lots (i.e. narrower frontages and deeper lots) would maintain the development pattern. Maintaining the existing development pattern and rhythm would produce a more desirable and livable community. The proposed badger habitat area would provide open space that is protected into perpetuity by restrictions on the parcel map. In addition, the proposed badger habitat and building envelopes would reduce the potential for erosion by limiting the amount of land disturbance.

The proposed parcel configuration meets the criteria for Section 25-43 optional design and improvement standards to reduce the standards since it would produce: 1) a more desirable and livable community; 2) create a better community environment through dedication of public areas, scenic easements, open spaces or reforestation of barren areas; and 3) reduce the danger of erosion.

Issue #3: West Petaluma Area Plan Consistency

The subject parcel's land use designation in the West Petaluma Area Plan is Rural Residential 1.5-acre density per the West Petaluma Area Plan Land Use Map [Plan] on page 29 of the Plan (Exhibit G).

The following information regarding the Rural Residential category states (page 21):

"The Rural Residential category also reflects existing residential development on parcels too small to promote large scale, commercial agricultural use." "Divisions or additional units should be

allowed wherever water supply, septic capability and good access exist and where such divisions would not conflict with an existing agricultural operation."

The proposed parcels as depicted on the Tentative Map do not conflict with the West Petaluma Area Plan since the proposed lots are $1.53 \pm$ acres each; each lot has its own existing well; and a primary and reserve septic area. The proposed lots and designated remainder have direct access from Paula Lane, a County maintained road, which connects with Bodega Avenue; and the residential development will not conflict with an existing agricultural operation.

Issue #4: Zoning Consistency

The zoning for the subject parcel and surrounding parcels to the north, east, south and west are all zoned AR (Agricultural and Residential) 2-acre density (Exhibit E). The subject parcel is 6.06 acres with a density of 2 acres per dwelling unit. The minor subdivision proposes 2 lots with a residential building envelope on each lot and a designated remainder with an existing residence. Both proposed lots are $1.53 \pm$ acres each and the designated remainder is $3.0 \pm$ acres which meets the minimum parcel size requirement of 1.5 acres in the AR zoning district for lots served by private wells and septic systems. A 6,380 square-foot building envelope is proposed on Lot 1 and a 6,520 square-foot building envelope is proposed on Lot 2. All required setbacks from property lines, wells and septic areas are met. Refer to Exhibit F - Tentative Map.

Issue #5: Environmental Determination

A Mitigated Negative Declaration has been prepared and circulated for the proposed subdivision. In summary, the following analysis was done for the proposed subdivision.

Aesthetics

The site is not zoned SR for a Scenic Landscape Unit, Community Separator or Scenic Corridor. However, it is within the boundaries of the West Petaluma Area Plan. This Area Plan includes a goal to "maintain or enhance existing views" through the following policies:

Policy 2.3.1 Protect visually vulnerable landscapes, such as ridgelines, unique scenic areas, and areas essential for defining the form of development in Petaluma.

Policy 2.3.2 Review new developments to minimize the impact on scenic quality and to insure landscape integrity is maintained.

Policy 2.3.3 Educate land owners about the advantages of scenic easements.

The project was reviewed for compliance with the first two policies and, as a result, building envelopes were added to proposed Lots 1 and 2. These building envelopes place new structures generally behind the existing house, barn, and trees on the eastern boundary to maintain a sense of openness and reduce disruption of the ridgeline as seen from Bodega Highway and Paula Lane.

With incorporation of the following mitigation measure, AES-1, potential visual impacts will be reduced to a less than significant level:

NOTE ON MAP: No building construction shall occur outside the building envelopes unless a Certificate of Modification is filed and approved. The scenic quality and landscape integrity for any changes to building envelope(s) must be consistent with the West Petaluma Area Plan.

Allowing the proposed lots to exceed the length to width ratio would be in-line with the prevailing development pattern on the area. Clustering the residences and retaining the symmetry of the lots (i.e. narrower frontages and deeper lots) would maintain the existing development pattern and rural character of the area.

Biological Resources

In March 2013, WRA Environmental Consultants, Inc. performed an assessment of biological resources. A Biological Resources Assessment Report, dated August 2014, was prepared by WRA. Although no special-status species were observed in the Project Area during the site assessment, signs of use by the American badger were observed. The American badger is a California Department of Fish and Wildlife (CDFW) Species of Special Concern.

There is a conservation easement on the adjacent Paula Lane Open Space Preserve to protect the American badger and their habitat. Under the SCAPOSD Conservation Easement, the American badger is listed under natural resources, which are one of the conservation values. The purpose of the easement is to protect conservation values and ensure the preservation of natural resources. The City of Petaluma must comply with the SCAPOSD Conservation Easement.

Per the WRA biological report, the project area likely represents the southeastern extent of a single territory for one badger pair. Only a very small portion (less than one percent) of the total available foraging habitat within a typical territory would result from development of the property. An American Badger Habitat Area has been designated on the southeastern portions of Lots 1 and 2. Mitigation measures were developed through consultation with the CDFW including a site visit attended by WRA and Adam McKannay, CDFW, on May 21, 2014.

As stated in the Executive Summary, Section 5.4.7 in the Conservation Easement agreement refers to fencing. Mitigation measure, BIO-2, addresses the Conservation Easement's prohibition of fencing that impedes wildlife movement:

NOTE ON MAP: Pass-thru fencing shall be installed around the badger habitat area where it borders the Open Space Preserve to the north and the adjacent property to the west. A pass-through fence having at minimum a 12-inch opening from the ground to the bottom of the fence is recommended to allow badgers to move through the property; the 12-inch opening is based on the upper range of

badger burrow entrance heights (Reid 2006). A no-climb fence may be used, provided the 12-inch opening at the bottom is maintained.

Cultural Resources

A cultural resources study was prepared for the project by Architectural Resources Service on January 9, 2013. The report found that, "no cultural resources were identified." However, all of the standard conditions of approval regarding archaeological resources (discovery of archaeological materials and artifacts, paleontological resources, and/or human remains) will apply and the corresponding NOTES will be required to be placed on the Final Map.

Under Assembly Bill 52 local tribes were notified of the proposed subdivision. None of the tribes requested consultation or had concerns.

Geology and Soils

The County's adopted grading ordinances and the standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements and all other adopted BMPs. An Erosion and Sediment Control Plan is required as part of any grading plan. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that are enforced through grading permit requirements under County code.

Issue #6: Neighborhood Compatibility

As shown on the Neighborhood Context Map (Exhibit J), the petition to allow the proposed lots to exceed the length to width ratio would be in-line with the prevailing development pattern in the area. Clustering the residences and retaining the symmetry of the lots (i.e. narrower frontages and deeper lots) would maintain the development pattern. Wider parcels would create an interruption in the rhythm of the residential developments in the area. Maintaining the existing development pattern and rhythm would maintain the existing rural character of the neighborhood.

The portion of the reserved lots designated as American Badger Habitat on the tentative and parcel maps will be consistent with the resource protection values of the adjacent Paula Lane Open Space Preserve.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Mitigated Negative Declaration for the Gardner Subdivision (MNS12-0004), approve the Petition for Optional Design and Improvement Standards pursuant to Section 25-43, and approve the Minor Subdivision per the Tentative Map, dated December 4, 2017.

FINDINGS FOR RECOMMENDED ACTION

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project because mitigation measures are incorporated into the project as conditions of approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered. Mitigation measures have been incorporated as conditions of approval and include a mitigation monitoring program. The project would not have a significant environmental impact as the following has been determined:
 - a. The sense of openness will be maintained and disruption of the ridgeline as seen from Bodega Highway and Paula Lane will be reduced by the placement of new structures in building envelopes generally behind the exiting house, barn and trees on the eastern boundary. The length to width ratio of the proposed lots will maintain an existing development pattern in the neighborhood.
 - b. The pass-thru fencing installed around the designated American Badger Habitat Area on proposed Lots 1 and 2 where it borders the Paula Lane Open Space Preserve will allow badgers to move through the property and is consistent with the restrictions on fencing applicable to the neighboring Paula Lane Open Space Preserve.
 - c. One acre at the back of proposed Lots 1 and 2 adjacent to the City of Petaluma's Paula Lane Open Space Preserve be designated as American Badger Habitat and precluded from development.
 - d. All restrictions and mitigation measures in the WRA Biological Resources Assessment related to the designated American Badger Habitat Area are noted on the Tentative Map and required on the Recorded Parcel Map.
 - e. Drainage patterns will not be altered by this project as all building and grading will be carried out under permits which will undergo review by the Drainage Review Section of the Permit and Resource Management Department to ensure compliance with State and local laws related to drainage and erosion control. An Erosion and Sediment Control Plan which meets all such laws, standards and best management practices is required as part of any grading plan.
 - f. The project is located in a Class 2 Water Availability Area. Groundwater supplies appear adequate for the proposed domestic use on the subject property. The potential for the proposed project to adversely impact groundwater supply for the additional two units plus

potential for Accessory Dwelling Units and Junior Accessory Dwelling Units appears low. The new lots are subject to the Water Efficient Landscaping Ordinance to minimize water use. The ordinance includes requirements for landscape water budgets, landscape and irrigation design, and irrigation scheduling.

- g. The designated building envelopes for each of the lots are located in the center of the lots, set back 210 feet on Lot 1 and 140 feet on Lot 2 from the designated American Badger Habitat area.
- h. All parcels have access via Paula lane, a County maintained road.

2. The subdivision complies with Sonoma County Code Chapter 25 which regulates subdivisions.

- a. The proposed parcel configuration meets the criteria for Section 25-43 Optional Design and Improvement Standards to reduce the standards since it would produce: 1) a more desirable and livable community; 2) create a better community environment through dedication of public areas, scenic easements, open spaces or reforestation of barren areas; and 3) reduce the danger of erosion.
- b. The length to width ratio of the proposed lots would be in-line with the prevailing development pattern in the area.

3. The subdivision complies with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Specifically, the tentative map complies with Section 66474 of the Subdivision Map Act in that the project and its design are consistent with the General Plan, the site is physically suitable for the development, the subdivision will not cause substantial environmental damage or injure wildlife or their habitat, the subdivision is not likely to cause serious public health problems, and the design of the subdivision will not conflict with public easements.

4. The subdivision complies with the General Plan land use designation of Rural Residential with a 2-acres per dwelling unit designation, and the AR zoning district's 2-acre density. The subject parcel is 6.06 acres with a density of 2 acres per dwelling unit. The minor subdivision proposes 2 lots with a residential building envelope on each lot and a designated remainder with an existing residence. Both proposed lots are $1.53 \pm$ acres each and the designated remainder is $3.0 \pm$ acres which meets the minimum parcel size requirement of 1.5 acres for lots served by private wells and septic systems.

5. The proposed parcels as depicted on the Tentative Map are consistent with the West Petaluma Area Plan since the proposed lots are $1.53 \pm$ acres each; each lot has its own existing well; and a

primary and reserve septic area. The subject parcel's land use designation in the West Petaluma Area Plan is Rural Residential 1.5-acre density per the West Petaluma Area Plan Land Use Map.

6. The subdivision is consistent with General Plan goals, policies and objectives. The proposed lots as depicted on the Tentative Map do not conflict with General Plan policy for Rural Residential Areas of the primary use being detached single family homes. The primary use for Lots 1 and 2 plus the designated remainder is a detached single family home.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval
EXHIBIT B: Proposal Statement
EXHIBIT C: Vicinity Map
EXHIBIT D: General Plan Map
EXHIBIT E: Zoning Map
EXHIBIT F: Proposed Tentative Map
EXHIBIT G: West Petaluma Area Plan Land Use Map
EXHIBIT H: Sonoma County Municipal Code Sections 25-42 - Lots and 25-43 – Optimal design and improvement standards
EXHIBIT I: American Badger Habitat Expanded Protection Map
EXHIBIT J: Neighborhood Context Map
EXHIBIT K: Public Comments
EXHIBIT L: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration and 11x17 size Tentative Maps